



**HACKER MURPHY**  
— LLP —

*Via CM/ECF*

January 8, 2024

Honorable Mae A. D'Agostino  
United States District Judge  
Northern District of New York  
445 Broadway  
Albany, NY 12207

RE: United States v. Andrew Cash, 8:25-cr-4 (MAD)

Dear Judge D'Agostino:

I represent defendant Andrew Cash in the above referenced case, which is scheduled for a waiver and plea hearing before the Court on January 23, 2025 at 10am.

Please accept this letter as a request for defendant's immediate sentencing at the same scheduled appearance. Defendant agrees to waive his right to a presentence investigation report (PSIR) under Rule 32(e)(2) of the Federal Rules of Criminal Procedure. A court may dispense with a PSIR when it finds that information in the record allows it "to meaningfully exercise its sentencing authority under 18 U.S.C. § 3553, and the court explains its findings on the record." Fed. R. Cr. P. Rule 32(c)(1)(A)(ii); see also United States v. Warren, 453 F.2d 738 (2d Cir. 1972).

Immediate sentencing is appropriate in this case because Mr. Cash will plead guilty to Count 1 of the Information, Illegal Reentry in violation of 8 U.S.C. § 1326(a), which carries a guideline range of 0-6 months. Mr. Cash has been detained for two months since his initial appearance on November 8, 2024. If sentencing is scheduled under the Northern District of New York's historical timeframe, Mr. Cash will likely serve the entirety of his maximum guideline range before sentencing.

Further, the Court has sufficient information to dispense with the PSIR. The government has provided probation with underlying documentation from Mr. Cash's pending criminal matter in Massachusetts, which was previously provided to Judge Stewart in advance of defendant's detention hearing. See December 12, 2024 Text Minute Entry; Dkt. No. 17.

Defense counsel has consulted with the government who consents to defendant's request for immediate sentencing as well as a waiver to the PSIR.

*Please send all mail to:*  
**TROY OFFICE**

28 Second Street  
Troy, NY 12180  
518-274-5820

200 Harborside Drive  
Suite 300  
Schenectady, NY 12305  
518-783-3843

511 Broadway  
Saratoga Springs, NY 12866  
518-584-8886

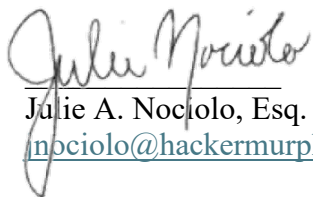
41 State Street  
Suite 604-05  
Albany, NY 12207  
518-486-8800

Fax | 518-274-5875

[hackermurphy.com](http://hackermurphy.com)

Sincerely,

HACKER MURPHY, LLP

A handwritten signature in dark ink, appearing to read "Julie Nociolo". The signature is written in a cursive, flowing style. Below the signature is a horizontal line, followed by the printed name and email address.

Julie A. Nociolo, Esq.

[jnociolo@hackermurphy.com](mailto:jnociolo@hackermurphy.com)

cc: Justin D. Bennett, Special Assistant United States Attorney